

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

PATRICIA L. KEELE,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CV 21-38-BU-JTJ

**ORDER**

Plaintiff Patricia L. Keele (Keele) has moved for an award of attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), in the amount of \$6,294.44. (Doc. 22). The Commissioner of the Social Security Administration (Commissioner) does not oppose Keele's motion. *Id.* The Court finds that the motion is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If the plaintiff has no debt that qualifies as an offset under the Treasury Offset Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, \*2 (D. Mont. Sept. 7, 2018).

Accordingly, IT IS HEREBY ORDERED:

1. Keele's Motion for an Award of EAJA Fees and expenses (Doc. 22) is GRANTED. Keele is entitled to an award of attorney's fees and expenses under 28 U.S.C. § 2412 in the amount of \$6,294.44, less any offset allowed under the Treasury Offset Program.

2. If, after receiving this Order, the Commissioner determines that Keele owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Keele in the amount of \$6,294.44 less the amount of the offset. Keele's award check should be mailed to Keele's attorney, Eric Rasmusson, at the following address:

Rasmusson Law Offices, PLLC  
P.O. Box 7825  
Missoula, MT 59807

3. If the Commissioner determines that Keele has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Keele has assigned her right to the EAJA fee award to her attorney, the Commissioner should make the check payable to Eric Rasmusson.

DATED this 11th day of May, 2022.

  
John Johnston  
United States Magistrate Judge